

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------|---|--------------------------|
| KELVIN COLEMAN, et al., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:06CV01376 ERW |
| |) | |
| CITY OF PAGEDALE, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM & ORDER

This matter comes before the Court upon Defendant City of Pagedale's Motion for Judgment on the Pleadings [doc. #21].

Plaintiff Kelvin Coleman filed this action against the City of Pagedale, Pagedale Police Department and Pagedale Police Officers Hugh Ross and H. Turner. In his Amended Complaint, Plaintiff alleges that Defendants violated Plaintiff Kelvin Dobbs'¹ federal and state constitutional rights during his confinement at the Pagedale Jail in that it "failed to place Dobbs on suicide alert" and "failed to follow Pagedale's express safety policies... in receiving and processing Dobbs." Plaintiff also alleges Defendants "filed to timely and adequately discover that Dobbs [committed suicide]," "depriv[ed] Dobbs of necessary... medical treatment and substantially reduc[ed] his chances of recovering from his injuries." In its Motion, Defendant argues that the Pagedale Police Department is not a legal entity or government agency capable of being sued.

In order for a party to be amenable to suit, the plaintiff must assert allegations against a legal or government entity capable of being sued. *Catlett v. Jefferson County*, 299 F. Supp.2d

¹ Kelvin Coleman is the biological father of Kelvin Dobbs, deceased.

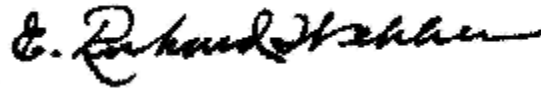
967, 967 (E.D.Mo. 2004). “The Eighth Circuit Court of Appeals has previously determined that police departments are not suable entities, but instead are merely divisions of city government.” *Mosley v. Reeves*, 99 F.Supp.2d 1048, 1053 (E.D.Mo. 2000) (citing *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir. 1992)). The Court therefore finds that Pagedale Police Department is not a legal entity, and is not a suitable defendant in the case before the Court. Any claims based on the conduct of the Pagedale Police Department are properly asserted against Defendant City of Pagedale.

Accordingly,

IT IS HEREBY ORDERED that Defendant City of Pagedale’s Motion for Judgment on the Pleadings [doc. #21] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs’ Motion for Default Judgment as to Party Pagedale Police Department [doc. #23] is **DENIED**, as moot.

Dated this 15th day of May, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE